



Appeal Decision

Site visit made on 22 July 2024

by H Marriott MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2024

Appeal Ref: APP/X2410/W/24/3340902

39 Church Street, Thurmaston, Leicester LE4 8DQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Taran Singh Dhesi against the decision of Charnwood Borough Council.
 - The application Ref is P/23/0829/2.
 - The development proposed is for the erection of a detached bungalow following demolition of existing garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. Church Street is a gently curving residential street mainly fronted by semi-detached bungalows, each set behind small front gardens on similar width plots. There are also some semi-detached houses close to the junction with Melton Road and an occasional detached dwelling. Whilst there have been some physical alterations including roof alterations/extensions and garage additions to some of the dwellings in the vicinity, the street scene has a cohesive character and appearance, informed by the consistent plot rhythm and the balance between the more frequent semi-detached pairs with regular gaps between.
4. The appeal site (No 39) is a semi-detached hipped roof bungalow located on a prominent corner plot. It sits adjacent to the entrance of a short cul-de-sac leading off Church Street which is framed by the angular arrangement of three pairs of semi-detached bungalows. No 39 and the adjoining dwelling 37 Church Street (No 37) both have a bay window feature and are set behind front gardens enclosed by dwarf walls. The side garden serving No 39 is enclosed by a close-boarded fence, with trees and shrubs behind. The modest scale of the dwelling, its spacious layout within the plot and materials which reflect the local vernacular ensure that the dwelling sits comfortably in the street scene.
5. The proposed detached bungalow to the side of No 39 would subdivide the plot resulting in a more cramped arrangement of built form. The front elevation of the proposed bungalow would sit at an angle to Nos 37 and 39. This would not reflect the symmetry or spacious arrangement of the semi-detached bungalows

- around the cul-de-sac. The side elevation of the proposed bungalow would also sit forward of the buildings line of Numbers 41 and 43 Church Street and beyond. Whilst the existing close boarded fence would largely screen the side elevation of the proposed bungalow from the street, the roofline would still be visible above the fence and would draw attention to the unsympathetic layout.
6. Furthermore, the lower ridge height and flush front window on the narrow front elevation of the proposed bungalow would contrast with the wider front elevations and bay window features of No 37 and 39 and the other semi-detached bungalows in the cul-de-sac. Consequently, the proposed bungalow would have a squat appearance and would more likely be perceived as an oversized curtilage building as opposed to a standalone dwelling. Parked cars would also likely dominate the site frontage. Overall, the proposal would not be reflective of the pattern of development in the area and would undermine the cohesive character and appearance of the street scene.
 7. I saw on my site visit, that a new detached dwelling has been constructed to the side of Number 35 Church Street (No 35). The Council suggest that construction may not be in accordance with either of the two previous approvals for a new dwelling on this site (LPA ref P/23/1182/2 and P/19/1293/2). Even so, the Council has accepted the principle of a new detached dwelling on this site. Nevertheless, whilst that dwelling also does would not replicate the form of other semi-dwellings in the cul-de-sac, it is located on a more discreet plot at the end of the cul-de-sac as opposed to a prominent corner position like the appeal site. As such, this and other examples of detached dwellings along Church Street, do not justify the harm to the character and appearance of the area that I have identified in this case.
 8. I conclude that the proposal would have a harmful effect on the character and appearance of the area. Conflict therefore arises with Policy CS2 of the Charnwood Local Plan 2011-2028 Core Strategy (2015) (CS) and saved Policy EV/1 of the Borough of Charnwood Local Plan (2004) (LP) which require new development to respect and enhance the character of the area, having regard to scale, density, massing, height, landscape, layout, materials and access arrangements, among other factors. Whilst not referred to in the Council's reasons for refusal, my attention has been drawn to the National Planning Policy Framework, December 2023 (the Framework). The proposal would conflict with the Framework which seeks to achieve well-designed and beautiful places. The proposal would also conflict with the guidance set out in the Councils Design Supplementary Planning Document (2020) which seeks to achieve a high standard of design quality.
 9. The reason for refusal on the decision notice refers to Policy DS5 of the emerging Charnwood Local Plan 2021-37 (Pre-Submission Draft July 2021) (DLP). Whilst this this policy is at an advance stage, it is not adopted. Despite the limited weight it carries at this stage, there are similar requirements in the emerging plan policy and those relating to the adopted plan. Accordingly, the proposal would also fail to accord with the Policy DS5 of the DLP, which requires new developments to respect and enhance the character of the area.
 10. Whilst not referred to within the reasons for refusal on the decision notice, the appellant has referred to additional policies from the LP and CS relating to the principle of development and housing need. Copies of these policies, among

others have been provided by the Council. Having reviewed these policies and their relevance to the main issue, they do not alter my conclusion above.

Other Matters

11. Having regard to paragraph 226 of the Framework, the Council suggests that owing to the DLP being in Examination, that a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing supply is required. In these circumstances the Council says it can demonstrate a 5.32 years' housing land supply. This updated position has not been disputed by the appellant.
12. On 30 July 2024 the Government published a consultation on proposed reforms to the Framework and other changes to the planning system. This proposes to remove paragraph 226. It also clarifies that for applications involving the provision of housing, policies are deemed out of date where a local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The draft NPPF does not constitute Government policy or guidance and Paragraph 11 d) of the Framework is not engaged.
13. Even if it was, the Council would under the current position be able to demonstrate a sufficient supply of housing and the presumption in favour of sustainable development would not apply.
14. The proposal would contribute one dwelling to the local housing supply, increasing the choice and mix of homes in the area. Whilst not on land that would fall under the definition of brownfield land, the home would be located in proximity to a range of services and facilities and where there would be choices to travel by sustainable modes. There would be economic benefits relative to the construction phase and as future residents feed into the local economy. Given that the proposal is for one additional dwelling, these associated benefits would be limited and would not outweigh the harm to the character and appearance of the area identified under the main issue.
15. I have concluded that the harm to the character and appearance of the area would be significant and would conflict with the Framework. Regardless of the housing land supply in the particular circumstances of this case, the harmful impacts of the proposal would in any event significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. As a result the presumption in favour of sustainable development is not a material planning consideration in this case.

Conclusion

16. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

H Marriott

INSPECTOR